The Telegram

Bagbys mark painful anniversary

Anniversary of Zachary Turner's murder passes, but pain of child's loss endures

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A heartbreaking in memoriam for David Bagby and his wife Kate's grandchild, Zachary Andrew, was published in The Telegram Thursday. It's a day the couple would most likely prefer to spend quietly, a voiding the phone.

It's been years since David Bagby has had a call from a reporter and it's on a day when he would be inclined not to answer the phone.

Except he picked up as this reporter was leaving a voicemail explaining the call from Newfoundland to Sunnyvale, Calif.

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"Our dreams for your future are all lost, but our love endures and we await reunion with you and your Dad," ends the in memoriam from Grandma and Grandpa Bagby recognizing the anniversary of the Zachary's 2003 murder.

"Dad" is Andrew Bagby, and although Newfoundlander Shirley Turner never stood trial for his murder, she was the key suspect and she drowned herself and their toddler son, Zachary, while battling extradition to the U.S.

Andrew was the Bagbys' only son and Zachary, their only grandchild.

'That's Kate's position," David Bagby said of the notion they will one day see Andrew and Zachary.

While he's not religious and suggests no one knows the answer to that eternal question, he said it would be a wonderful thing to see Andrew and Zachary again.

It seems like there could be nothing else to ask a man who's had to bear such stupefying tragedy. Even asking, "How are you doing now?" seems to be callously stating the obvious.

"It's levelled off to the point where it is much easier than initially — that horror of it at the beginning is almost unbearable," Bagby answers, patiently.

They keep busy with friends, but when the thoughts come back, it weighs on them. The media interest in the story may have waned some, but their loss is never-ending.

Zachary would be 15 now, the same age as their godson. He'd be about to enter senior high and might be planning his future.

The Bagbys have stepped back from their involvement in organizations dealing with similar murder cases — those supporting parents whose children were murdered.

"We can't do that anymore," David Bagby said, explaining in part it's because of their age. But it's also the emotional toll of attending trials and hearing gruesome stories like theirs played out in court over and over.

They do still attend occasional meetings for a group supporting parents who've lost children, not necessarily through crime.

Those new to the group are almost in a stupor as they enter the room. Those who have worked through some of the grief try to instil in them there is some kind of life after loss.

"You can absorb it and carry on. If you don't, you're dead. If you don't figure out how to live with it, you'll kill yourself or waste away and die," Bagby said.

Filmmaker Kurt Kuenne gives one-year-old Zachary Turner a kiss upon meeting him July 2003.

"Most people do figure out how to at least keep on — how to eat and breathe, at least. Most people do something useful. It's hard carrying this big boulder on your back the rest of your life. There's nothing you can do about it. You just carry it."

In November 2001, Dr. Andrew Bagby, 28, was discovered in a Pennsylvania park by a homeless man looking for recyclables, shot multiple times.

In 2003, 13-month-old Zachary's body washed up on Manuels Beach, along with Turner's.

Andrew had met Turner, who was 12 years his senior, while they were studying medicine at Memorial University in St. John's. Andrew had broken off the relationship, and at the time of his murder, Turner was living in Iowa, but visiting Pennsylvania regularly, where Andrew was a resident at a local hospital.

By the time she was charged with first-degree murder, she had returned to St. John's and gave birth to Zachary in July 2002.

David and Kate moved to St. John's to try to get custody of Zachary and were forced to be friendly with Turner. Turner was returned to jail late that year awaiting a decision on extradition to the States, but was released on bail a couple of months later by an Appeal Court judge who decided Turner wasn't a risk to the general population.

In the years after Zachary's death, the Bagbys fought for reform, lobbying for changes to the Criminal Code of Canada to make it more difficult for people accused of murder to get bail. In a 2006 report, Winnipeg medical examiner Peter Markesteyn — after an inquiry into Zachary's death — harshly criticized the Child, Youth and Family Services and the Office of the Child and Youth Advocate, and concluded that Zachary should never have been in the care of his mother.

David and Kate Bagby,shown in this 2004 file photo. The couple are still coping with the murders of their son and grandson.

In 2010, Bill C-464 added a clause to the Criminal Code of Canada allowing bail to be denied if deemed necessary to protect a child, a change spurred by the Bagbys.

David Bagby wrote a book, "Dance With the Devil: A Memoir of Murder and Loss," in 2007; a documentary film, "Dear Zachary: A Letter to a Son About his Father" was made by Andrew's longtime friend Kurt Kuenne in 2008, with the Bagbys' participation.

David Bagby wouldn't mind a trip back to Newfoundland, but said his wife has more emotions about the subject and they likely won't return.

They've had the conversation over the years about how they feel about the place where they made good friends, but that is tied forever to their family tragedy.

But had Andrew not gone to medical school here and therefore never laid eyes on Turner, there are no guarantees he might have escaped his fate, Bagby said.

"Some other equivalent (to Shirley Turner) could have been anywhere Andrew went," he said, allowing what happened had nothing to do with Newfoundland as a place.

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